

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

(4)
Copy

MICHAEL NORWOOD,
Plaintiff,

CIVIL NO.

1:00-CV-1005
(to be supplied by Clerk)

v.

DONALD ROMINE,
Defendant.

FILED
SCRANTON

JUN 11 2001

PER

DEPUTY CLERK

AMENDED CIVIL COMPLAINT

I. JURISDICTION

Jurisdiction of this Court is invoked pursuant to 28 U.S.C.

§ 1331.

II. PLAINTIFF

The plaintiff, Michael Norwood, was and is at all times mentioned in the instant complaint, a prisoner of the United States, confined at the United States Penitentiary at Lewisburg, Pennsylvania. The plaintiff's religious preference is and was the Nation of Islam (hereinafter "NOI").

III. DEFENDANT

Donald Romine, warden at the United States Penitentiary at Lewisburg, Pennsylvania, the defendant, was and is at all times mentioned in the instant complaint, legally responsible for regulating prisoner activities at USP Lewisburg, including those relating to religious diets.

IV. FACTS

1. The plaintiff filed a formal appeal to the defendant via the administrative remedy procedure, based on the defendant's failure to provide the plaintiff with a diet that conforms to the dietary laws of the Nation of Islam. In the appeal to the defendant, the plaintiff pointed out that serving him meals previously cooked on utensils that have been used to serve or prepare pork violated the dietary laws of the Nation of Islam. In addition, the plaintiff referenced several sections of the NOI holy book, "How to Eat to Live", by the Honorable Elijah Muhammad, which gives believers stern warnings to avoid even incidental contact with pork. Moreover, the plaintiff pointed out in the appeal to the defendant that USP Lewisburg's religious diet, referred to as the "commonfare diet", would satisfy the dietary laws of the NOI.

2. That the defendant is aware that Sunni Muslim prisoners at USP Lewisburg who requested commonfare diets are/were accommodated, while members of the NOI, including the plaintiff are not.

3. That on February 26, 2001, the plaintiff exhausted his administrative remedies with respect to his grievance filed with the defendant.

4. The defendant is aware that USP Lewisburg does not have kosher or halal washing facilities in the food-service department

V. LEGAL CLAIM

The facts related show that the defendant has violated the plaintiff's Constitutional right to practice his religion, guaranteed by the First Amendment and the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb et seq. See Kikumura v. Hurley, 242 F3d. 950 (10th Cir. 2001).

VI. CAUSE OF ACTION

The defendant, Donald Romine, by his willful and deliberate conduct in refusing to provide the plaintiff with a "commonfare diet", or in the alternative, a diet that conforms to the requirements of his religious preference, the NOI, has violated the plaintiff's rights under the First Amendment to the U.S. Constitution and the Religious Freedom and Restoration Act, 42 U.S.C. § 2000bb et seq.

VII. RELIEF

The plaintiff seeks the following relief:

1. Nominal damages of \$1,500.00;
2. Punitive damages of \$10,000.00;
3. A permanent injunction ENJOINING the defendant from serving the plaintiff meals with any utensils that have been ever used to serve or prepare pork; or in the alternative, an order directing the defendant to allow the plaintiff to participate in the BOP's religious diet program, known as the "commonfare diet";

4. A permanent injunction ENJOINING the defendant from discriminating against the plaintiff with respect to his religious preference, the NOI;

and,

5. A permanent injunction ENJOINING the monies, property, and securities of the defendant up to the amount of \$11,500.00 until the final disposition of this law suit.

Respectfully submitted,



MICHAEL NORWOOD, Pro Se
Reg. No. 06970-014
United States Penitentiary
P.O. Box 1000
Lewisburg, Pa. 17837

Dated: June 4, 2001

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I, Michael Norwood, hereby declare that the allegations contained in this complaint are true and correct.



MICHAEL NORWOOD

Dated: June 4, 2001